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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,940	01/14/2004	Martin Sting	F-653	3287

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EXAMINER	
TRUONG, THANH K	

ART UNIT	PAPER NUMBER
3721	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/756,940	STING, MARTIN	
	Examiner	Art Unit	
	Thanh K Truong	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 January 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6/16/05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In the Summary of the Invention, page 2, lines 24-26, the specification improperly referred to the claims such as: "with the features of patent claim 1" and "patent claims subordinate to claim 1". The specification should not be referred to the claims, which rely on the specification to define the subject matter and the scope of the invention. Therefore, the specification has to be clear and complete in itself.

There are more than one part names for the same reference number: "push in arrangement 16" (page 5, line 33 & page 6, line 1); "drive 16" (page 6, lines 10); and "push in station 16" (page 7, line 1).

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both "the push in arrangement" and "the drive" (see figure 1, there are two reference numbers 16 pointed to two different parts).

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s):

Claim 1, the recitation "the filled envelope comes free of the push-in arrangement in the push-in direction" (the last two lines of claim 1);

Claim 2, the recitation "the push-in fingers project some way into the filled envelope but come free of the filled envelope ... into the intermediate stop position" (lines 5-8);

Claim 3, the recitation "It being the case that adjacent sets of push-in fingers ... run over the front rollers of the push-in belts to the top strand of the latter" (lines 3-9);

Claim 7, the recitation "an envelope-flap-opening device is arranged upstream of the envelope-conveying device" (lines 1-3);

Claim 9, the recitation "the envelope-conveying device has, as abutment means ... abutment plate" (lines 2-6); and

Claim 10, the recitation "the envelope-conveying device contains endless, perforated conveying belts running over vacuum chambers".

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 31-33 (page 12, last two lines & page 13, the first two lines) is confusing, because it is unclear what is the claimed limitation? For example, the recitation "frictional forces being overcome in the process" does not define any limitation, because in order to convey an envelope, the frictional forces have to be overcome.

Claim 1, lines 38-39, the recitation "in its active position, the envelope can be ...the direction of its precise position by the intermediate envelope-conveying device" is vague and indefinite, because it is unclear what is the "direction of its precise position". What precise position is the applicant referred to?

Claim 1, lines 40-44, the recitation "the inactive state ... such that the filled envelope can be conveyed away" is confusing because it is contradicted to the

disclosure on page 6, lines 8-10 of the specification. The inactive position is when the stop pin is raised, therefore, how is the envelope conveyed away?

Claim 9, the recitation "the envelope-conveying device ... abutment means ... a housing-mounted abutment plate" is confusing, because according to the disclosure, the abutment means is positioned at the end of the intermediate envelope-conveying device, not in the envelope-conveying device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-6, 10 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. (6,164,046) in view of Malick (5,180,154) and Belec et al. (5,447,015).

Werner discloses an apparatus comprising:

a feeding device 18 for horizontally feeding enclosure 20 to a push-in arrangement 28;

an envelope-separating arrangement (figure 4 shows the stack of envelopes 14 being separated to a sequence of envelopes);

an envelope-conveying device 12 conveying the envelopes 14 to the intermediate envelope-conveying device (figure 1 show the envelopes being conveyed

from conveyor 12 to the intermediate envelope-conveying device upstream of the push-in arrangement);

an aligning means position the envelope upstream of the push-in arrangement (figure 1 shows the envelope being aligned before the push-in arrangement).

Werner discloses the claimed invention, but does not expressly disclose the intermediate envelope-conveying device having a direction running at an angle in the range of from 15-75 degrees to the conveying direction of the envelope-conveying device, filled envelope can be conveyed away from the envelope-filling station by an envelope-advancing device 58, 64, and the angled stop arrangement.

Malick discloses an apparatus comprising an intermediate envelope-conveying device 5 has a direction running at an angle in the range of from 15-75 degrees to the conveying direction of the envelope-conveying device (figure 1) providing a more effective means to conveying envelope at a higher speed of production. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Werner apparatus by incorporating the intermediate envelope-conveying device as taught by Malick to provide a better means to convey envelopes at a faster speed of production.

Belec discloses an apparatus comprising an angled stop arrangement 50 (figures 14-16); the envelope can be positioned by way of two abutting edges (fingers 52 of the angled stop arrangement can be moved back a small distance in relation to the push-in movement as shown in figure 15). Belec's apparatus provides reliability and speed for the insertion station. Therefore, it would have been obvious to one having ordinary skill

in the art, at the time applicant's invention was made, to have modified Werner apparatus by incorporating the angled stop arrangement as taught by Belec to provide a simplified enveloped insertion mechanism that is reliable and fast.

The modified reference of Werner apparatus further discloses: the push-in arrangement contains push-in fingers 28a-d which can be moved back and forth (figures 2A & 2B shown that fingers 28a-d can be moved in both direction of the pivot point); the push-in belts are provided with push-in fingers and circulate over the feeding device (figure 2A); the envelope-conveying device has abutment means which interact with the top strand of the conveying belts 12 and the envelope-advancing device has a conveying direction which runs transversely to the push-in direction of the push-in arrangement (figures 1& 4);

the intermediate envelope-conveying device is controlled such that its conveying means are kept in operation even when the conveyed envelope has run up against the angled stop arrangement (Malick, column 4, lines56-60); the angle of the conveying direction of the intermediate envelope-conveying device is in a range from 40-50 degrees (Malick , figure 1);

the angled stop part is formed by a stopping straightedge (fingers 52 contain straightedge) which ban be switch over between two pivoting position and can be pivoted about a horizontal pivot axis running perpendicularly to the push-in direction of the push-in arrangement (Belec, figures 14-16); the drive of the angle stopping arrangement contains a rotary drive, a rotary magnet (Belec, column 4, lines 48-49); the

pivot axis of the stopping straightedge is located beneath the level of the horizontal plane determined by an intermediate envelope-conveying table.

Belec discloses (figures 18 & 19) the perforated conveying belts 60 running over vacuum chamber, but it does not located at the intermediate envelope-conveying device. It is within the skill of one in the art to incorporate the vacuum conveyor belts as taught by Belec into Malick's intermediate envelope-conveying device providing more effective means to move envelopes on the conveyor. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Werner and Malick apparatus by incorporating the perforated conveying belts running over vacuum chambers as taught by Belec to provide a more effective means to convey envelopes.

8. Claims 7, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. (6,164,046) in view of Malick (5,180,154) and Belec et al. (5,447,015) and further in view of Viens et al. (5,950,399).

As discussed above in paragraph 7, the modified Werner discloses the claimed invention, but does not expressly disclose the envelope-flap-opening device arranged upstream of the envelope-conveying device.

Viens discloses an apparatus comprising the envelope-flap-opening device (Viens, figures 2-4) arranged upstream of the envelope-conveying device (Viens, figure 1). Viens apparatus provides high speeds insertion device that is economically fabricated and more flexibility (Viens, column 1, lines 51-62). Therefore, it would have

been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Werner apparatus by incorporating the envelope-flap-opening device as taught by Viens providing high speeds, flexible and economically fabricated envelope insertion device.

The modified reference of Werner (and Viens, figure 1) further discloses the envelope-conveying device contains endless, circulating conveying belts unit 18, which are arranged parallel to one another, abutment rollers 76 which each interact with the top strand of the conveying belts and butt against the top side of the envelope; and the axes of rotation of the abutment rollers are oriented orthogonal to the conveying direction.

9. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. (6,164,046) in view of Malick (5,180,154) and Belec et al. (5,447,015) and further in view of Malick et al. (6,102,391).

As discussed above in paragraph 7, the modified reference of Werner discloses the claimed invention, but does not expressly disclose the spherical rolling bodies, which are guided in cages of a housing-mounted abutment rollers as recited in claims 9 and 12.

Malick (6,102,391) discloses (figure 6) a housing-mounted abutment means which include spherical rolling bodies which are guided in cages of a housing-mounted abutment rollers to provides positive contact between envelopes and conveying surface. Therefore, it would have been obvious to one having ordinary skill in the art, at the time

applicant's invention was made, to have modified Werner apparatus by incorporating the spherical rolling bodies as taught by Malick (6,102,391) providing a means to secure the conveying of the envelopes.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (571) 272-4472. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700

Tkt

January 14, 2005.